

Memorandum

Date: February 9, 2012

To: Whom it may concern

From: Teresa Zak, Deputy City Recorder

Subject: Amendments to the Community Development Code

There has been an amendment to the City of West Linn's Community Development Code, Chapter, 37 regarding Home Occupations. Council enacted Ordinance No. 1606 on January 9, 2012 and it became effective on February 8, 2012.

You will find the signed ordinance under the ordinance table on the City's web site at <http://www.codepublishing.com/OR/WestLinn/>

The online version of the Community Development Code has been updated and is available at <http://www.codepublishing.com/OR/WestLinn/CDC.html> Please note we have the printed version of the CDC reformatted at this time and hard copies are available to the appropriate parties.



CITY OF West Linn

SUPPLEMENT DIRECTIONS COMMUNITY DEVELOPMENT CODE February 2012

February 9, 2012

As a result of the Code amendments adopted via ORD. 1606 by City Council on January 9 2012, there are 3 replacement pages for Chapter 37, as follows:

Remove these pages Insert these pages
Chapter 37

37-3 37-3

You may wish to place these directions in a convenient place near the front of the code book for future reference.

Teresa Zak
Deputy City Recorder

P:/cdc amendments/amendments-2.9.12

Chapter 37**HOME OCCUPATIONS**

Sections:

- 37.010 PURPOSE
- 37.020 GENERAL STANDARDS
- 37.030 SPECIFIC HOME OCCUPATION USES PROHIBITED
- 37.040 THE APPLICATION
- 37.050 PERMITS
- 37.060 ADMINISTRATION AND APPROVAL STANDARDS
- 37.070 APPROVAL AND STRICT COMPLIANCE REQUISITE FOR BUSINESS
LICENSE
- 37.080 REVOCATION

37.010 PURPOSE

The purpose of this chapter is to provide for home occupations in residential zones as a means of providing convenient employment opportunities and decreasing the dependence on the auto. The standards contained in this chapter are intended to assure that home occupations will be compatible and consistent with the residential uses, and will not have a detrimental effect on neighboring properties. (Ord. 1396, 1996)

37.020 GENERAL STANDARDS

A. A home occupation shall comply with all the following operating standards:

1. The home occupation shall be a secondary use to the primary use of the house as a residence.
2. In no way shall the appearance of the residential structure or yard be altered, or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character by the use of colors, materials, construction, lighting, show windows, signs, or advertising visible outside the premises to attract customers or clients, other than a sign as permitted per subsection (A)(9) of this section.
3. There shall be no outdoor use or storage of material or mechanical equipment that is not part of the residential use.
4. An accessory building which meets the provisions of Chapter 34 CDC may be used for the home occupation.
5. Any parking generated by patrons shall be accommodated on site.
6. Off-street parking areas with three or more spaces shall be screened by a fence constructed per Chapter 44 CDC specifications, topography, vegetation, or a combination of these methods. Screening vegetation must be in place by the time the applicant sub-

- mits a home occupation application, or be reasonably expected to provide effective screening within one and one-half years of approval of said application.
7. No equipment or process shall be used in a home occupation which creates noise, odor, smoke, fumes, fallout, vibration, heat, glare, or electrical interference resulting detectable to the normal senses off the lot.
 8. No more than three employees, other than the residents, shall be engaged in service on the premises at any given time.
 9.
 - a. The use of signs shall be limited to one sign not greater than one foot by six inches in area and flush-mounted to the residential dwelling. In the event that the residential dwelling is set back more than 100 feet from the abutting public street, or otherwise obstructed from view due to topography or landscaping, the allowed sign may be located at the driveway access. Freestanding signs shall be mounted on a base equal to, or less than, the width of the sign. The freestanding sign and its base shall not exceed three feet in height. Approval standards in CDC 52.210 governing sign design apply.
 - b. Signs advertising home occupations in the historic district or in a designated historic landmark per Chapter 26 CDC shall be subject to the design standards in CDC 58.090(C)(25)(b).
 10. Occupied or unoccupied vehicles associated with the home occupation shall not have engines idling at any time, except during the immediate loading or unloading of cargo, mail, packages or passengers. Vehicles associated with the home occupation shall not be loaded or unloaded between the hours of 7:00 p.m. and 7:00 a.m. Monday through Friday, or between the hours of 6:00 p.m. to 9:00 a.m. on Saturday and Sunday. Other noise-generating machinery associated with conducting a home occupation shall also follow these guidelines.
 11. The owner of the business must reside in the primary structure on the premises.
 12. Only one vehicle no larger than a three-quarter-ton truck may be used by the occupant, directly or indirectly, in connection with a home occupation. An off-street parking space shall be provided for this vehicle.
 13. The use creates no more than eight total vehicle trips per day including employees, all deliveries, and customers. One trip is equal to one vehicle entering the site and exiting the site. Home occupations with pupils or students, such as, but not limited to, dance, music or language classes, are exempt from the vehicle trip limitation. (Ord. 1463, 2000; Ord. 1565, 2008; Ord. 1590 § 1, 2009; Ord. 1606 § 1, 2012)

37.030 SPECIFIC HOME OCCUPATION USES PROHIBITED

- A. Any occupation involving the repetitive purchase and resale, exchange, production, refinement, packaging or handling of firearms, explosives, or any other dangerous weapons or

hazardous materials by any person who devotes time or attention to such items as a regular or part-time course of trade or business with the objective of livelihood or principal means of profit.

- B. Any home occupation involving the on-site sale or resale of automobiles, trucks, boats, trailers, or other motorized vehicles. (Ord. 1463, 2000)

37.040 THE APPLICATION

- A. A home occupation application shall be initiated by the occupant. If the occupant is not the owner of the premises, the signature of the owner is required on the application.
- B. The applicant shall pay the requisite fee. (Ord. 1463, 2000; Ord. 1547, 2007)

37.050 PERMITS

- A. A home occupation permit shall be required for a home occupation, subject to the provisions of this chapter, prior to issuance of a business license.
- B. A copy of each home occupation permit, including the permit number, shall be kept by the Planning and Building Department and on the premises of the business.
- C. A home occupation permit is non-transferable to any other person or any other property, and shall expire upon discontinuance of the home occupation by the person to whom it is issued. (Ord. 1463, 2000; Ord. 1604 § 39, 2011)

37.060 ADMINISTRATION AND APPROVAL STANDARDS

- A. Home occupations.
 - 1. A home occupation is a decision made by the Planning Director in accordance with the provisions of CDC 99.060(A), except that no notice shall be required.
 - 2. The Planning Director shall approve, approve with conditions, or deny an application for a home occupation in accordance with the standards set forth in CDC 37.020(A) for home occupations.
 - 3. The Director's decision may be appealed by the applicant to the City Council as provided in CDC 99.240(A). (Ord. 1463, 2000; Ord. 1474, 2001; Ord. 1565, 2008)

37.070 APPROVAL AND STRICT COMPLIANCE REQUISITE FOR BUSINESS LICENSE

No business license will be issued for a home occupation until the home occupation application is approved and the applicant certifies that the home occupation will be operated in strict compliance with the provisions of this chapter and the conditions of approval.

37.080 REVOCATION

The Director may revoke a home occupation permit if the criteria of CDC 37.020(A), respectively, are violated. (Ord. 1463, 2000; Ord. 1565, 2008)